

BD
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICHARD BEALL,

Plaintiff,

VS.

DALLAS POLICE,

ORIGINAL

Defendant.

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

MAY - 8 2006

CLERK, U.S. DISTRICT COURT

By

Deputy

NO. 3-06-CV-0733-D

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 1 2 2006

CLERK, U.S. DISTRICT COURT

By

Deputy

MAGISTRATE JUDGE'S QUESTIONNAIRE TO THE PLAINTIFF

TO: Mr. Richard Beall
2467 Mallory Lane
Lancaster, TX 75134

DIRECTIONS: The Plaintiff shall answer the following Questions in the space provided for his answer. The answers to these Questions shall be verified under penalty of perjury by the Plaintiff on the signature line at the conclusion of this Questionnaire and returned to the United States Magistrate Judge within twenty (20) days of the date upon which the Plaintiff receives the Questionnaire. Failure to file answers to the Questions may result in the dismissal of the complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Plaintiff is also **ORDERED** that at all times during the pendency of this action, he shall immediately advise the Court of any change of address and its effective date. Such notice shall be captioned "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and contain only information pertaining to the change of address and its effective date. The notice shall not contain any motions for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of the complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

QUESTION NO. 1: Are you claiming that you were wrongfully arrested? If so, please state specifically all facts which support your claim.

ANSWER: When the police arrived at my brothers house, I was never questioned on what occurred, never read my ~~writ~~ rights, never was told what I was being charged with, and was assaulted while being handcuffed.

QUESTION NO. 2: Are you claiming that you were wrongfully convicted? If so, please state specifically all facts which support your claim.

ANSWER: Yes, i was convicted, Police officers Beezly, and Pena ~~said~~ said that i attempted to take their weapons, when i was already handcuffed, with their knees in my back and neck.

QUESTION NO. 3: Please provide the following information pertaining to the incident you discuss in your complaint:

- a) the date
- b) the criminal charge;
- c) the court in which the charge was brought;
- d) whether the facts you describe in your complaint were used in the prosecution;
- e) if you have been convicted, the date of conviction;
- f) if you have been sentenced, the length of sentence; and
- g) if you have been sentenced, whether you have served your sentence.

ANSWER:

- A) The date of the offense, was 4-24-04, ^{B)} The charge was attempting to take an officers weapon. ^{C)} The court was 203rd district court.
- D) I never got a chance to present my facts. ^{E)} 7-08-04 was the date of my conviction, and it was a total of 2 years, ^{F)} The sentence was 2 years.
- G) I have been discharge after 2 years in TDC.

QUESTION NO. 4: If you were convicted, have you challenged your conviction in a state writ of habeas corpus or other state proceeding? If yes, please identify:

- a) the type of proceeding;
- b) the date that proceeding was filed;
- c) the case number or other identifying number of the proceeding;
- d) the court or state agency in which the proceeding was filed;
- e) each and every ground raised in that proceeding; and
- f) the result of the proceeding, including the date of the resolution.

ANSWER:

The case is still pending, the case # F94-52777-P, the date the case is set for June 12, 2006. The case is attempting an officers weapon.

QUESTION NO. 5: If you were convicted, has your conviction been successfully overturned, including being reversed on appeal, expunged by executive order, declared invalid by a state tribunal or called into question by a federal court's issuance of a writ of habeas corpus? If so, please identify:

- a) the type of proceeding;
- b) when it occurred; and
- c) the specific result.

ANSWER:

The case is attempting to take on officers report, the case is still pending, and set for June 12, 2009.

QUESTION NO. 6: You have named the Dallas Police as a defendant. This defendant is a non-jural entity and cannot be sued for civil rights violations under 42 U.S.C. § 1983. List each person or entity that you claim violated your civil rights and state each and every action taken by the following persons which you claim violated your civil rights, giving specific names and facts such as date, time, place, who was present, the events leading up to the incident and what happened afterward.

ANSWER:

The Dallas Police officers are Leroy Pena, and Jeff Beezley
the officers used excessive force on 4-24-04 at 11:55 pm
Flynt Akers, Michael Beall are two of the witnesses, who seen
both officers hitting Richard Beall with fist, feet, and batons.
A call was made on Mr. Beall, when officers arrive they talked
to Michael Beall the caller about alleged assault, ~~to~~ Richard Beall
was asleep in his vehicle, Police approach his car, asked him
to get out, as soon as Richard got out of his car, he was
thrown to the ground by Beezley, handcuff, knees in his back
and ~~to~~ neck, and beaten about 45 minutes, before ambulance arrived,
after being release ~~to~~ from ~~the~~ hospital, he was
then taken to jail, and later convicted, and sentence to 2 year in TDC.

QUESTION NO. 7: If you suffered a physical injury for which you received diagnosis or treatment, state who diagnosed or treated you, when, where, and what they said.

ANSWER: Who: Genises Chiropractor, Dr. Lazell 5620 Oak Lawn
Saint Paul hospital, Dr. Pauleenite, 2780 Harry
Methodist Hospital + links,

When: On April 26, I received diagnosis from Dr. Pauleenite
On April 25, I receive 2 diagnosis from Methodist
Hospital, April 27 I receive 2 diagnosis from
Dr. Lazell.

Where: Genises Chiropractor
Saint Paul Hospital
Methodist Hospital

What was said:

Genises Chiropractor said that I had damage to my Retina
in my eye, my shoulder was separated, open wounds and
bruises to my whole body.

Methodist Hospital said I had head contusions, and
wounds to my whole body.

Saint Paul Hospital said that my eye was cut,
and I need a tetnis shot for the open wounds
to my body.

QUESTION NO. 8: In your complaint, you do not specify what relief you are seeking as a result of this suit. Do you seek any relief as a result of this suit? If so, please state specifically all relief you are seeking.

ANSWER:

I need relief for medical bills, lawyers fees, loss of work, wrongfull imprisonment, mental suffering, fixing my record with the State of Texas.

QUESTION NO. 9: In your complaint, you state that you were beaten by the Dallas Police.

Please describe specifically the facts surrounding that claim, including any response or resistance you offered whether physical or verbal.

ANSWER:

Upon the arrest on 4-24-04, I was never told I was being charged with anything, I was asked what my Name was and when they recognized they had ~~had~~ the right person, they instantly attacked ~~off~~ me, threw me to the ground handcuffed me, and started Beating me with fist, batons, tazers, mace, and feet.

QUESTION NO. 10: Please state specifically how you were injured as a result of the incident, including whether those injuries were physical or mental in nature.

ANSWER:

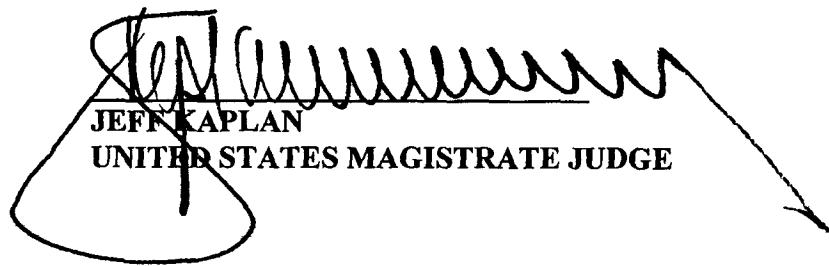
I feel like every Policeman is after me, I'm restless at night even after working a full shift, I have constant flashbacks of the beatings, I feel they are coming back to kill me.

My finger is broken, my shoulder separated, knee pop out of socket
I have permanent scars on arms shoulders, legs, and elbows,
I have a burning and clicking in my shoulder.

QUESTION NO. 11: Are you claiming that the actions of any of the officers are the result of an official policy or custom of the City of Dallas? If yes, please describe such policy or custom.

ANSWER:

No, I feel that I pay taxes for ~~Police~~ to protect me from danger, Not put me in danger and be violent to citizens, ~~exp~~ Role Models of the Community and City of Dallas, I was a Teacher for 5 years Now I lost my career from two persons lies, and I DON'T think it right.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE

STATE OF TEXAS

COUNTY OF

VERIFICATION

I understand that a false statement or answer to any interrogatories in this cause of action will subject me to penalties for perjury. I declare (or certify, verify or state) under penalty of perjury that the foregoing answers are true and correct (28 U.S.C. §1746).

SIGNED on this 7 day of June, 2006.

A handwritten signature in black ink, appearing to read "David B. Borchardt", is written over a horizontal line.